

Remarks

Dependent claims 4, 5, and 10 have been amended to address the 35 U.S.C. §112 objection as set out in section 2 of the Office Action. The Examiner will note that claims 3 and 7 have been amended in a likewise manner.

Independent claims 1, 14 to 16 and 18 have each been amended to more clearly define the scope of the present invention in a manner considered to clearly distinguish the present invention over the disclosures of Vaid (US6502131), Marques (US6643706) and Jacobs (US5761502) taken in any combination thereof.

As now defined, the present invention concerns a call server for establishing a call connection across a packet network between a first TDM network and a second TDM network through respective media gateways connecting said TDM networks to the packet network. The call connection routed across the packet network therefore comprises a part of a TDM (circuit switched) call connection. In the context of the present invention, a call server is a device or system for controlling media gateways to establish a route for a TDM call connection across the packet network. The media gateways convert TDM traffic provided by the TDM networks to packet traffic and vice-versa. In the present invention, a routing algorithm used by the call server to control the media gateways may be adjusted in response to a detected change in a condition of the packet network. Such a condition could be congestion or failure of a link between nodes of the packet network. The adjusted routing algorithm enables the call server to control the media gateways to establish a call connection across the packet network that avoids the congested or failed link. Heretobefore, the call server would have worked through a predetermined list of routes until a call connection was successful or a fail indication was eventually received. The adjustment of the routing algorithm enables the call server to effectively jump down

such a list of predetermined routes to exclude attempting call connections on any that are affected by the congested or failed link.

In contrast, Vaid relates to a real-time bandwidth profiling tool for a network of computers arranged in a local area network configuration, for example, whereby bandwidth can be allocated to information sources in response to network changes. Allocation of bandwidth may be by a priority basis, for example.

The Examiner concedes that Vaid fails to disclose providing an indication of the required adaptation of a call server routing algorithm. There is also no disclosure in Vaid of adjusting the routing algorithm of the call server in response to a detection of a network condition such as a link congestion or failure. This is because the network arrangements discussed in Vaid are not concerned with establishing call connections across a packet network between first and second TDM networks. The networks disclosed in Vaid are indeed packet based but use protocols offering best effort delivery such as TCP/IP as the delivery mechanism. As such, no routes are established for packet communication since the individual packets of a traffic stream may each pass to its destination via a different route to other such packets of the stream. The packet network configurations of Vaid are truly connectionless in their operation in contrast to the present invention whereby the call server controls the media gateways to establish a route across the packet network as an extension of a TDM call connection. While an external computer may connect to the network disclosed in Vaid via a dial-in connection through a media gateway, the dial-in connection is not extended into the packet network since, once again, there is no requirement to do so and no benefit attached to considering doing so.

It should also be noted that, in the case of Vaid, the detection of a change in a network condition such as congestion results in an entirely different management response to that of the present invention. In Vaid, a detected congestion condition results in a bandwidth enforcement policy being applied to information sources to

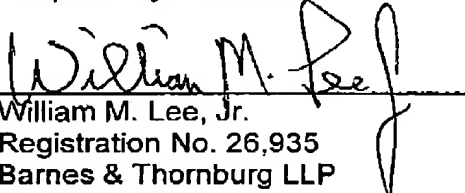
limit the amount of bandwidth allocated thereto. Since there are no TDM call connections established in the packet network of Vaid, it cannot seek to reroute call connections but attends to the congestion problem by limiting the amount of bandwidth emitted by information sources. In the present invention, the detection of a packet network condition such as a congested or failed link results in an adjustment of the call server routing algorithm whereby the call server controls media gateways to seek another route for a TDM call connection avoiding the congested or failed link. Thus, there is no attempt to respond to a detected condition by limiting the bandwidth allocated to an established call connection, for example.

Given that a number of the essential features of the present invention are absent from the disclosure of Vaid and are not taught by either Marques nor Jacobs, the 35 U.S.C. §103(a) rejection of the independent claims of the present application cannot be sustained.

Favorable reconsideration of the claims is therefore requested.

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Respectfully submitted,



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